

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

FRANK J. LAWRENCE, Jr.,

Petitioner,

v.

Case No. 05-72701-DT  
HONORABLE PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

48<sup>th</sup> DISTRICT COURT,

Respondent.

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**ORDER COMPELLING PRODUCTION OF STATE COURT RECORD**

Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On September 19, 2005, the respondent was ordered to file an answer in accordance with Rule 5 of the habeas corpus rules by March 3, 2006. Respondent filed an answer to the petition along with a number of exhibits on that date.

On December 19, 2006, this Court denied the petition for writ of habeas corpus and denied petitioner a certificate of appealability. On June 1, 2007, the Sixth Circuit denied petitioner a certificate of appealability and dismissed the appeal. *Lawrence v. 48<sup>th</sup> District Court*, U.S.C.A. 07-1094 (6<sup>th</sup> Cir. June 1, 2007). However, a review of the Sixth Circuit's docket sheet under this same case number inexplicably states that oral argument was scheduled in this case on December 12, 2008. This Court today received a call from a clerk at the Sixth Circuit, indicating that the respondent provided only portions of the state court record. The Sixth Circuit has asked this Court to order the respondent to provide the entire state court record from petitioner's case.

The habeas corpus rules require respondents to attach the relevant portions of the

transcripts of the state court proceedings, if available, and the court may also order, on its own motion, or upon the petitioner's request, that further portions of the transcripts be furnished.

*Griffin v. Rogers*, 308 F. 3d 647, 653 (6<sup>th</sup> Cir. 2002); Rules Governing § 2254 Cases, Rule 5, 28 U.S.C. foll. § 2254. "When this information is required, it is the State's responsibility to provide it." *Griffin*, 308 F. 3d at 654. .

Based upon the foregoing, the court orders respondent to produce the entire state court record from petitioner's trial in the 48<sup>th</sup> District Court within **seven (7) days** of the date of this order or show cause why they are unable to comply with the order.

S/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: December 18, 2008

#### CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on December 18, 2008.

S/Denise Goodine  
Case Manager